

REMARKS

The foregoing amendments to the claims are respectfully submitted in response to the official action dated June 2, 2006. The claims are now directed to an embodiment of the present invention which is fully set forth in the specification, and no new matter is included therein. In addition, the above-noted amendment to paragraph [0025] of the specification is respectfully submitted to correct an obvious error pointed out by the Examiner in this regard. Once again, no new matter is included therein.

Claims 1-9 have been rejected as being anticipated by Marelli, U.S. Patent No. 6,164,494. The Examiner contends that Marelli shows a substance dispensing device comprising a container 3, pump 2, actuator 5, and usage indicator including a movable member 15. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

The claims in this application are now directed to a specific embodiment of the present invention, and in particular one in which a specific mechanism is used in order to translate longitudinal movement of the actuator into rotational movement of the usage indicator thereof. In this manner, in addition to providing a device which enables the user to determine when the stored quantity of the substance is getting low, this is now done in a low-cost, accurate, and simple manner. In particular, the rotatable movable member includes a pair of series of circumferentially arranged teeth, each set of which includes a sloping surface configured to sequentially cooperate with the corresponding sloping surface of a pair of drive lugs associated with the actuator itself. In this manner, when the actuator is moved along the longitudinal axis from the rest position to effect operation of the pump, one of the pair of drive logs cooperates with one of the series of teeth to rotate the movable

member about the longitudinal axis and when the actuator returns to the rest position the other of the pair of drive lugs cooperates with the other of the pair of series of teeth to further rotate the movable member about the axis. No such device is set forth or suggested by Marelli.

Turning to the Marelli reference itself, the mechanism for rotation of discoidal body 15 by means of pressing the operating body 5 toward the base body 1 is particularly shown in FIGS. 5 and 6 thereof. Thus, saw teeth 11 and 12 are distributed on annular surfaces provided by the top wall 8 of the operating body 5 and the top of the base body 1. A flexible tang 17 projects from the top of discoidal body 15 with saw tooth shaped ends 18 engaging teeth 12. Similarly, flexible tangs 19 project from the bottom of discoidal body 15 the saw tooth ends of which extend into saw teeth 11.

In this manner, when the operating body is pressed towards the base body for pump operation, teeth 12 approach teeth 11 as shown in FIG. 5, and while the end of tang 19 remains locked in teeth 11, the end 18 of tang 17 jumps over the inclined tube surface, as is shown by letter b in teeth 12. Similarly, when the operating body is returned to its raised position, the end 18 of tang 17 remains fixed at tooth b to prevent return of the discoidal body to its angular position, and the end of tang 19 is dragged to jump over the inclined surfaces of the tooth d to become positioned between teeth d and e.

This mechanism is entirely different from and quite inferior to the claimed mechanism of the present invention. Thus, the Marelli patent does not disclose drive means including a pair of axial drive lugs spaced apart in the direction of the longitudinal axis with each of the lugs including a sloping face and teeth including a sloping surface for cooperation with the faces of these drive lugs for converting axial movement of the

actuator to rotation movement of the movable member about the longitudinal axis.

In addition to this, reference can also be made to the dependent claims in this case which add additional limitations which are not suggested in combination therewith. For example, claim 8 additionally requires interlock means cooperating with the usage indicator for activation after a predetermined number of pump operations to prevent further pump operation; claim 10 requires that the pair of drive lugs be axially spaced so that one can engage one of the series of teeth at any one time; and claims 13-15 require additional elements including a releasable stop to hold one of the movable members with the other movable member during a first revolution and a detent and a cooperable recess for doing so.

It is therefore respectfully submitted that all of the claims now set forth in this application clearly possess the requisite novelty, utility and unobviousness to warrant their immediate allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner still does not believe that such action can be taken, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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